

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

* * * * *

ESTATE OF MICHAEL EDWARD BELL, by Special
Administrator Michael Martin Bell, KIM MARIE
BELL, MICHAEL MARTIN BELL, and SHANTAE BELL,
Plaintiffs,

vs.

Case No. 05-C-1176

OFFICER ERICH R. STRAUSBAUGH, OFFICER ERICH S.
WEIDNER, LIEUTENANT DAVID H. KRUEGER, OFFICER
ALBERT B. GONZALES, KENOSHA POLICE DEPARTMENT,
CITY OF KENOSHA,

Defendants.

* * * * *

DEPOSITION OF TOM VIETH

TAKEN AT: Kenosha City Hall
LOCATED AT: 625 52nd Street
Kenosha, WI

June 29, 2007

1:59 p.m. to 3:14 p.m.

REPORTED BY ANITA K. FOSS
REGISTERED PROFESSIONAL REPORTER

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1 A P P E A R A N C E S
2 CANNON & DUNPHY, S.C., by
Mr. Patrick O. Dunphy
3 and Mr. Brett Eckstein
595 North Barker Road
4 Brookfield, WI 53008-1750
Appearing on behalf of the Plaintiffs.

6 GUNTA & REAK, SC, by
Mr. Kevin P. Reak
7 219 North Milwaukee Street, 5th Floor
Milwaukee, WI 53202-5818
8 Appearing on behalf of the Defendants.
9 ALSO PRESENT: Captain Randy Berner

11
12 Examination by Page
13 Mr. Dunphy. 3

| Exhibit No. | Description | Page Identified |
|-------------|-------------|-----------------|
| 16 | | |

| | | |
|-----|---------------------------------|----|
| 112 | Supplementary report. | 6 |
| 18 | | |
| 113 | November 14, 2004 supplementary | |
| 19 | report prepared by Detective | |
| | Ollila. | 29 |

21 (Original Exhibits attached to original transcript.
21 Copies provided to all counsel.)

1 you informed that the shell casing was found
2 near the fence on the far left side of where
3 Officer Gonzales was standing?

4 A That wouldn't surprise me.

5 Q Did you know that?

6 A No.

7 Q Did you look to see how far away from Officer
8 Gonzales the shell casing was located when it
9 was found by Officer Thorne?

10 A No.

11 Q Did you look to see whether there was any
12 evidence of blood spatter on the windshield of
13 the Nissan?

14 A I can't recall.

15 Q Based upon all your years on the force, would
16 you expect that if a bullet was put through
17 somebody's head within a few feet of a
18 windshield, and that the bullet was traveling
19 towards the windshield, would you expect to see
20 evidence of blood spatter on the windshield?

21 MR. REAK: Object to the form of the
22 question.

23 THE WITNESS: You would see blood
24 spattered.

25 BY MR. DUNPHY:

1 Q Pardon?

2 A If a bullet went through, and through a head,
3 there would be blood spatter.

4 Q Did you look to the file to see if there was
5 any evidence of damage that would indicate what
6 the bullet struck after it passed through
7 Michael Bell's head?

8 A No.

9 MR. REAK: Object to the form of the
10 question. I realize I'm late.

11 BY MR. DUNPHY:

12 Q Have you given any consideration to reviewing
13 the testimony of the officers that has been
14 given in this case?

15 MR. REAK: Object to the form of the
16 question.

17 THE WITNESS: No.

18 BY MR. DUNPHY:

19 Q Have you asked to see it?

20 A No.

21 Q Have you asked -- Do you know the pathologist
22 who conducted the autopsy has testified in this
23 case?

24 A I didn't know that.

25 Q If you were given the testimony of the officers